



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,009	12/21/2004	John T. Buckley	HOLO1 P-443	7240
277	7590	06/02/2006	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			LUM VANNUCCI, LEE SIN YEE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/519,009

Applicant(s)

BUCKLEY ET AL.

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 1-7,9-11,13-23,25-,27-31,33-44,46,49,50,53-55,60-66,68,69,73,76,78,80,82-86,88-99,101-103.

## DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-5, 9-11, 13-23, 25, 27-31, 33, 34, 37-42, 46, 49, 50, 53-55** are rejected under 35 U.S.C. 102(b) as being anticipated by McCoy et al 6010142.

McCoy discloses a drawbar and universal hitch 10 for a trailer hitch (unidentified, inherent) comprising

Base plate 14 with first and second portions 20,22, and two rows (one on each portion 16) of apertures 24 along the longest dimension, and further including

Radiused corners (fig 1),

The sections meeting at an arcuate intersection (fig 2; "joining" curve between the sections),

Shank 12 disposed on the base plate, with first 36, central 38, and second 36, portions forming an I-shaped crosssection (fig 3), and including opening 42 located on rectangular/square crosssection 38,

Where one aperture on the plate is disposed between the first and second portions (aperture second-from-the-bottom on the plate),

The plate and shank being fabricated\* from an integral, continuous piece of material (c2, In 11-12),

First, and second, strengthening members (fig1; unidentified opposite, curved areas adjacent element 34 and base plate) connecting the first and second sections of the plate and shank, each including first/second central area, and first/second outer edge extending beyond the central area, forming first/second T-shaped crosssection, the latter *as broadly and reasonably interpreted*.

\* Fabrication is immaterial to an apparatus claim.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claims 6, 7, 35, 36, 43 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Landoll et al 6394734.

McCoy does not disclose the second strengthening member as including an opening, while Landoll shows this configuration in fig 13, with unidentified strengthening members with apertures, adjacent longitudinal frame members. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as shown in Landoll, to decrease weight in the member, thus increase portability and convenience, and as is very well-known.

B. **Claims 60-64, 68, 69, 73, 76, 78, 80, 82, 83, 86, 88-97, 101-103** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gries et al 6139043.

McCoy does not disclose a pintle hook connected to, or through the apertures of, the base plate, while Gries shows a similar arrangement with pintle hook including elements 40,50, which may be attached to the base plate via various well-known means. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this arrangement, as shown in Gries, to provide this type of hitch on a base mount, thus increase applicability to different hitch situations, or vehicle components, as is very well-known.

C. **Claims 65, 66, 84, 85, 98, 99** are rejected under 35 U.S.C. 103(a) as being unpatentable over McCoy in view of Gries, and in further view of Landoll.

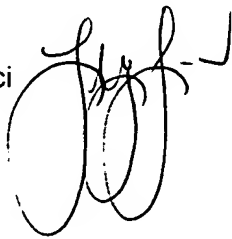
The previous references do not disclose the second strengthening member as including an opening, while Landoll shows this configuration in fig 13, with unidentified strengthening members with apertures, adjacent longitudinal frame members, as discussed in paragraph A. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as shown in Landoll, to decrease weight in the member, thus increase portability and convenience, and as is very well-known.

3. Communication with the Examiner/USPTO

Any inquiry concerning this communication, or others, should be directed to Ms. Lum-Vannucci at 571 272 6649, M-F, 9-5. If she can't be reached, her supervisor, Ms. Lesley Morris, may be reached at 571 272 6651. Our fax number is 571 273 8300.

Info re the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system as follows: for unpublished applications – private PAIR only, for published applications – private or public PAIR. For more info on PAIR – <http://pair-direct.uspto.gov>. For more info on private PAIR – call the Electronic Business Center at 866 217 9197.

Ms. Lee Lum-Vannucci  
Examiner  
5/25/06

A handwritten signature in black ink, appearing to be 'Lee Lum-Vannucci', written over a large, stylized circular mark.